

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:08cr131-3

UNITED STATES OF AMERICA,)

vs.)

TORRIE BROWN a/k/a "Red.")
_____)

ORDER

THIS MATTER is before the Court *sua sponte* to continue the case.

On May 29, 2008, the Defendant was charged with conspiracy to possess with intent to distribute cocaine and cocaine base as well as a substantive count of possession of cocaine base, in violation of 21 U.S.C. §§846 & 841. [Doc. 1]. The Defendant's first appearance was on July 21, 2008 at which time counsel was appointed. Defendant's arraignment occurred on July 29, 2008 at which time his case was placed on the August 18, 2008 calendar for trial.

"Unless the defendant consents in writing to the contrary, the trial shall not commence less than thirty days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se." 18 U.S.C. §3161(c)(2). The Defendant here has not so consented and thus, his trial may not start less than thirty days from his appearance with counsel.

In addition, the Court finds that without a continuance, counsel would not have the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(8)(B)(iv).

For the reasons stated herein, the ends of justice served by the granting of the continuance outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. §3161(h)(8)(A).

IT IS, THEREFORE, ORDERED that the above-captioned case is hereby **CONTINUED** from the August 18, 2008 term in the Charlotte Division.

Signed: July 29, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

